

## MARIE LOUISE DE WULF MAQUET

JULY 19, 1951.—Committed to the Committee of the Whole House and ordered to be printed

Mr. RODINO, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany S. 1442]

The Committee on the Judiciary, to whom was referred the bill (S. 1442) for the relief of Marie Louise DeWulf Maquet, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The facts will be found fully set forth in Senate Report No. 390, Eighty-second Congress, first session, which is appended hereto and made a part of this report. Your committee concur in the recommendation of the Senate.

[S. Rept. No. 390, 82d Cong., 1st sess.]

The purpose of the proposed legislation is to pay the sum of \$10,000 to Mrs. Marie Louise Dewulf Maquet, of Belgium, in full satisfaction of all claims against the United States for the death of her husband which occurred as a result of his being struck by a United States Army truck.

#### STATEMENT

On the afternoon of January 31, 1946, Capt. Abel Maquet, of the Belgian Air Force, then stationed at Snailwell, England, attempted to cross from south to north the highway at Newmarket, England. As Captain Maquet was crossing the highway, a United States Army truck, operated by an enlisted man on official business approached from an easterly direction at a speed of about 30 miles per hour. Captain Maquet was about halfway across the highway when he observed the Army truck coming toward him. He turned around and started back toward the south side of the road. At the same time, the driver of the Army truck, seeing the pedestrian about 40 yards ahead of him, swerved his truck to the south side of the road. About 30 feet from the pedestrian, the driver applied the brakes of the truck, but not in time to avoid striking the pedestrian, Captain Maquet. Captain Maquet sustained injuries from which he died almost immediately.

At the time of his death, Captain Maquet was 34 years of age, married and the father of two children, one 8 years of age and the other 7 years of age. As a captain in the Belgian Air Force he earned \$1,848.48 annually.

Captain Maquet's widow sought damages for her husband's death by filing a claim under the Foreign Claims Act (44 Stat. 880), as amended (57 Stat. 66), which authorizes the payment of a claim for damages on account of the death of an inhabitant of a foreign country caused by the United States Army or individual members thereof. Her claim was rejected for the reason that her husband was not an inhabitant of the foreign country where the accident occurred.

Despite the inability of the Army to settle this claim administratively, that Department recommends favorable consideration of this legislation. The Department, in a letter to the sponsor of this bill recommending its introduction, cites two instances where the Congress has passed private legislation to pay claims which could not be settled administratively because of a disability such as the one presented here.

The committee agrees with the conclusion of the Department of the Army. The Department found as a result of its investigation that the accident and resultant death were caused solely by the negligence of the driver of the Army vehicle. The committee feels that inasmuch as this claimant's husband was killed as a result of the negligence of a Government employee, she should be compensated in a reasonable amount. In view of the age of Captain Maquet on the date of his death and in view of the number of persons dependent upon him for support, the committee feels that the amount suggested by the Department of the Army constitutes a reasonable amount. The committee, therefore, recommends favorable consideration of this legislation.

Attached to this report and made a part thereof is the letter of the Secretary of the Army addressed to the sponsor of this bill urging the introduction of the bill.

MAY 2, 1951.

Hon. RICHARD B. RUSSELL,  
*Chairman, Committee on Armed Services,*  
*United States Senate.*

DEAR SENATOR RUSSELL: There is enclosed herewith a draft of a proposed bill for the relief of Marie Louise Dewulf Maquet, which it is recommended be enacted into law. This proposed legislation is submitted by the Department of the Army in accordance with procedures prescribed by the Secretary of Defense.

The purpose of this legislation is to compensate the claimant in the amount of \$10,000 for the death of her husband, Capt. Abel Maquet, of the Belgian Air Force, as a result of his having been struck by a United States Army truck in Newmarket, England.

On January 31, 1946, at about 3 p. m., Capt Abel Maquet, of the Belgian Air Force, then stationed at Snailwell, England, started to walk across a highway at Newmarket, England, from south to north. A United States Army truck, operated by an enlisted man, presumably on official business, was proceeding in an easterly direction along the same road through Newmarket at a speed of about 30 miles per hour. It appears that when Captain Maquet got about halfway across the road he observed the Army truck coming toward him, whereupon he turned around and started back toward the south side of the road; that the driver of the truck, seeing the pedestrian when about 40 yards from him, swerved his vehicle to the right-hand side of the road (traffic in England travels on the left side of the road) and that when about 30 feet from the pedestrian he applied his brakes, but that he was unable to prevent the truck from striking him. Captain Maquet sustained injuries from which he died almost immediately.

On February 1, 1946, the driver of the Army truck made the following sworn statement:

"At about 3 p. m. Thursday, January 31, 1946, I was driving a GMC 6 x 6 USA truck No. 420562/S in Newmarket going through to Bury St. Edmunds and as I approached the Bury and Thetford Road junction my speed was about 30 miles per hour. Private first-class Fedenecz was sitting in the cabin beside me. As I turned on to the Bury Road I saw a man about 40 yards in front of me. He had just stepped on to the road from the grass verge on the right-hand side facing Bury. He commenced to walk across the road. When I saw him do this I turned to my wrong side of the road to try to avoid him. However, when this man reached the white line, he turned and commenced to walk back. He turned with his back toward me. I applied my brakes at once and climbed on to the grass verge with my front wheels, but I was unable to avoid hitting him. I think it was my front nearside mudguard which hit him."

A sworn statement executed on the same date by Oswald Cowley, a member of the Cambridgeshire Constabulary, reads in pertinent part as follows:

"I ascertained that Captain Maquet had been taken to White Lodge Hospital, but the truck driven by Private first-class Dore (the Army driver) had not been

moved. It was raining slightly, the road was wet and greasy. I took the following particulars of the accident.

"The road is 23 feet wide. There were two brake marks made by the wheels of the truck. They commenced on the Bury Road 30 feet from the junction of the Norwich Road. The offside marks commenced 1 foot 6 inches from the grass verge on the wrong side. The nearside mark commenced 3 feet from the white line in the center of the road. They both extended parallel with the white line for 33 feet to the rear wheels of the truck. The truck had stopped with its offside front wheels 2 feet on the wrong side grass verge and the offside rear wheel was on the road 1 foot from the same grass verge. \* \* \*

"There was nothing visible on the road to denote the point of impact but there was a pool of blood measuring 3 feet across it on the road. From the center of this to the grass verge is 3 feet, and from the outside edge of this to the front of the truck is 1 foot 9 inches."

Captain Maquet was 34 years of age at the time of his death. His salary as a captain in the Belgian Air Force was 92,424 Belgian francs per annum (\$1,848.48). He left surviving his widow, Mrs. Marie Louise Dewulf Maquet, 30 years of age, and two children, namely, Guy Jules Florent Marie Maquet, a son 8 years of age, and Marie Louise Sylvie Augusta Maquet, a daughter 7 years of age.

On April 21, 1948, Mrs. Maquet filed with United States Army Foreign Claims Commission No. 16 a claim in the amount of 3,680,000 Belgian francs (\$73,600) for damages on account of her husband's death. It appears that the expenses incurred in connection with the burial of the deceased were paid by the Belgian Government. The claim of Mrs. Maquet was duly considered under the Foreign Claims Act (55 Stat. 880), as amended (57 Stat. 66), which authorizes the payment of a claim for damages on account of the death of an inhabitant of a foreign country caused by the United States Army or individual members thereof. Foreign Claims Commission No. 16 found that this claim could not be allowed under the Foreign Claims Act, as amended, for the reason that the deceased was not an inhabitant of England, the country in which the accident that resulted in his death occurred. On April 25, 1949, the Department of the Army disapproved the claim of Mrs. Maquet on the ground that there was no statute under which said claim could be paid.

It appears that after the death of her husband Mrs. Maquet filed a claim with the Belgian Ministry of National Defense for a pension as a war widow, which claim was rejected on the ground that her husband's death did not occur while he was in the line of duty and as a result of his military service.

The evidence in this case fairly establishes that the accident on January 31, 1946, and the resulting death of Capt. Abel Maquet were not caused by any fault or negligence on his part but were caused solely by the negligence of the driver of the Army vehicle involved in said accident in that upon observing the pedestrian crossing the road ahead of him he did not immediately reduce his speed so as to be able to avoid striking him. In this connection, Foreign Claims Commission No. 16 in its determination and findings in the case stated:

"It is the opinion of this Commission that the sole proximate cause of the accident was the negligence of the operator of the United States vehicle in driving at a speed which, under the circumstances, must be deemed as being excessive and in complete disregard for the safety of pedestrians crossing the road."

The Department of the Army is of the view that the widow of Captain Maquet should be compensated by the United States in a reasonable amount on account of his death. However, there is no method by which she may be so compensated except through the enactment by the Congress of a private relief bill. Considering the age, occupation, and earnings of Captain Maquet at the time of his death, it is the view of the Department of the Army that an award to the claimant in the amount of \$10,000 would constitute a fair and reasonable settlement of her claim. Mrs. Maquet has executed and filed with the Department an acceptance agreement in which she has agreed to accept the sum \$10,000 in full satisfaction and final settlement of her claim.

This is a meritorious claim, and if the deceased had been an inhabitant of England, the country where he was killed, the claim would have been settled under the Foreign Claims Act, as amended. It is, therefore, recommended that the attached proposed bill be enacted into law.

Similar bills have been enacted by the Congress and approved by the President (S. 867, 79th Cong., for the relief of the estate of Frederick Calvert, a British subject, who was killed in Iceland on November 14, 1942, in an accident involving an Army vehicle (59 Stat. 749); and S. 633, 81st Cong., for the relief of Rachel

D. Gattegno, on account of the death of her husband, David Gattegno, a Spanish citizen, who was accidentally killed by a guard at the North African Refugee Center, Fedhala, French Morocco, under the command of the United States Army, on the night of July 4, 1944 (Private Law 6, 81st Cong.).

The Bureau of the Budget advises that there is no objection to the submission of the proposed legislation for the consideration of the Congress.

Sincerely yours,

FRANK PACE, Jr.,  
Secretary of the Army.

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